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FEB 22 2005

MR. GARY W. CRIM
ATTORNEY AT LAW
943 MANHATTAN AVE
DAYTON, OHIO 45406-5141

MR. E.H. JONES MICHAEL R. MERZ
#339-441 2-HS-2050 CLERK OF COURT
P.O. Box 788
MANSFIELD, OHIO 44901

2-8-05

Re: CASE No: C-1-01-564

DEAR MR. CRIM:

IN RESPONSE TO YOUR LETTER OF FEBRUARY 4, 2005 WHICH I HAVE RECEIVED TODAY ON FEBRUARY 8, 2005, THE ENVELOPE WAS POST MARKED THE 6TH OF FEBRUARY 2005, 2 FULL DAY'S AFTER YOU HAD WROTE IT..... WITHIN THAT LETTER WAS A COPY OF CHIEF MAGISTRATE MERZ, ORDER OF JANUARY 22, 2005, THE HEADING OF THAT ORDER READS AS THE FOLLOWING.....

"ORDER APPOINTING SUBSTITUTE COUNSEL, MOOTING PENDING PRO-SE MOTIONS, SEEKING CONSENT, AND SETTING A SCHEDULING CONFERENCE."

MR. CRIM, MY QUESTION AND REQUEST TO YOU AND ATTORNEY MICHAEL L. MONTANA IS, TO CLARIFY FOR IN WRITING....

A) JUST WHAT IS THE LEGAL FUNCTIONS AND AUTHORITY A SUBSTITUTE COUNSEL OR SUCCESSOR COUNSEL, HAS IN THIS CASE.?

B) DOES A SUBSTITUTE COUNSEL OR SUCCESSOR COUNSEL HAVE THE AUTHORITY TO RAISE A LEGAL CLAIM OF INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL, THAT HE IS BEING SUBSTITUTED FOR IN A CAPITAL CASE, BEFORE THE DISTRICT COURT.?

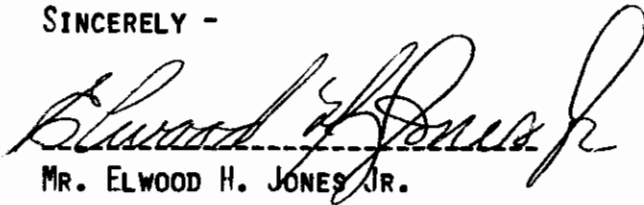
C) DOES A SUBSTITUTE COUNSEL OR SUCCESSOR COUNSEL, HAVE THE AUTHORITY TO GO BACK AND RE-TAKE DEPOSITIONS IN THIS CASE, IN ORDER TO ADDRESS THE "FACTUAL MATERIALS" FOUND IN THE RECORDS WITHHELD, BY THE BLUE ASH POLICE DEPARTMENT, AND THE PROSECUTOR FILES UNCOVERED.?

MR. CRIM, MY NEXT QUESTION TO YOU AND ATTORNEY MONTA IS IF I ACCEPT YOUR SERVICE AS SUBSTITUTE COUNSEL OR SUCCESSOR COUNSEL, AFTER GETTING A CLEAR UNDERSTANDING OF THE LEGAL FUNCTIONS YOU ARE ENTITLED TO DO IN THIS CASE.... HOW DO THE BOTH OF YOU AS SUCCESSOR COUNSEL PLAN ON INCORPORATING THE MATERIAL FROM MY PRO-SE SUPPLEMENTAL BRIEF OF 7/22/04 DOCKET No: # 51, PRO-SE PETITIONERS MOTION TO SUPPLEMENT THE RECORD OF 8/26/04 DOCKET No: # 53 PRO-SE PETITIONERS MOTION TO SUPPLEMENT THE RECORD OF 10/12/04 DOCKET No: 54 INTO MY HABEAS PETITION.?

I WOULD APPRECIATE A DETAILED WRITTEN RESPONSE TO THE CONTENTS OF THIS LETTER AND A COPY OF THE REMAINING OF RECORDS OF THE FILES, IN MY CASE. PLEASE REVIEW THE ATTACHED LETTER DATED 1/20/05 & 1/31/05 TO MR. BODIKER, SO YOU WILL HAVE AN UNDERSTANDING OF THE RECORDS I AM SPEAKING ABOUT.

THANK YOU FOR YOUR TIME IN THIS MATTER.

SINCERELY -



Mr. ELWOOD H. JONES JR.

CC: CHIEF MAGISTRATE JUDGE MICHAEL R. MERZ
MICHAEL L. MONTA